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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

MICHAEL D. MARLIN : DOCKET NO. 2:05-cv-2172
VS. : JUDGE TRIMBLE
J YOUNG, ET AL. : MAGISTRATE JUDGE KAY

JUDGMENT

There being no objection to the proposed findings of fact and conclusions of law in the Report and Recommendation of the Magistrate Judge previously filed herein these findings and conclusions are accepted. Alternatively, this court concludes that the proposed findings and conclusions are entirely correct. Accordingly, it is

IT IS ORDERED that defendant's Motion to Dismiss for Lack of Jurisdiction/Motion for Summary Judgment [doc. 73] is **GRANTED**.

Accordingly, **IT IS ORDERED** that plaintiff's claims made pursuant to the Americans With Disabilities Act are **DISMISSED WITH PREJUDICE** and that all other claims stated in plaintiff's petition are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 24th day of April, 2009.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE